

Attorney ref: ITTD5003ECJP
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
OFFICE OF PETITIONS

In Re Application of: RUDOLPH G. BENZ ET AL.

Serial No.: 09/973,907

Filing Date: October 9, 2001

Title: INTENSIFIED HYBRID SOLID-STATE SENSOR

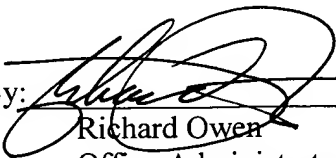
Attention: Office of Petitions
Box DCA
Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF RICHARD OWEN

1. I, Richard Owen, am the Office Administrator for the law firm of Olive and Olive, P.A. in Durham, North Carolina.
2. On October 9, 2001, I witnessed Ms. Maggie Blackman making the copies and sealing an Express Mail envelope containing the above-identified patent application shortly before 5:00 PM. I am certain that the document I watched Ms. Blackman prepare was the application in question because I asked her about it at the time, in the course of double-checking to ensure the client was appropriately billed for the Express Mail deposit, which they were, and that the deposit would be made before the Post Office deadline.
3. Ms. Blackman left the office shortly before 5:00 PM on the afternoon of October 9, 2001 to deposit the application papers with the U.S. Post Office at W. Chapel Hill Street in Durham, NC.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATE: Dec 6, 2001

By: 
Richard Owen
Office Administrator
Olive & Olive, PA
Durham, NC

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In Re Application of: RUDOLPH G. BENZ ET AL.

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Washington, D.C. 20231

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DECLARATION OF SHELIA ALEXANDER

1. I, Shelia Alexander, am a paralegal with the law firm of Olive and Olive, P.A., in Durham, North Carolina. As part of my duties, I assemble and copy various trademark applications being filed with the U.S. Patent and Trademark Office. I also prepare Express Mail packages containing said applications, and deposit them with the U.S. Post Office in Durham, North Carolina.
2. I have frequently used the Express Mail drop box located on Rigsbee Avenue in Durham, North Carolina to send applications to the Patent and Trademark Office, and in every instance, Express Mail packages deposited therein before 5:30 PM have been received by the Patent and Trademark office the following business day and stamped with a filing date matching the deposit date.
3. I know, from personal inspection both before and after October 9, 2001, that on October 9, 2001, the Express Mail drop box located on Rigsbee Avenue in Durham, North Carolina had a posted "last pickup" time of 5:30 p.m.
4. On November 2, 2001, I spoke with Mr. Winston Layton of the United States Post Service. Mr. Layton said the final time mail was picked up from the Rigsbee Avenue Express Mail Box on October 9, 2001 was 5:11 PM.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATE: 12-6-01

By: 

Shelia Alexander
Paralegal
Olive & Olive, P.A.
Durham, NC



Attorney ref: ITTD5003ECJP
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
OFFICE OF PETITIONS

In Re Application of: RUDOLPH G. BENZ ET AL.

Serial No.: 09/973,907

Filing Date: October 9, 2001

Title: INTENSIFIED-HYBRID SOLID-STATE SENSOR

Attention: Office of Petitions
Box DCA
Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF MAGGIE BLACKMAN

1. I, Maggie Blackman, am a paralegal with the law firm of Olive and Olive in Durham, North Carolina. As part of my duties, I assemble and copy patent applications being filed with the U.S. Patent and Trademark Office. I also prepare Express Mail packages containing said patent applications, and deposit them with the U.S. Post Office in Durham, North Carolina.
2. On October 9, 2001, I prepared U.S. Patent Application Serial No. 09/973,907 for filing with the U.S. Patent and Trademark Office. As part of Olive and Olive's normal filing procedures, I prepared the application for filing, which included the following:
 - a. a self-addressed postcard bearing an identification of the papers being filed, including the Express Mail number, and a list of the contents in the Express Mail envelope;
 - b. a patent application transmittal letter, listing among other things, the inventor names, title of the invention, the Certificate of Mailing with the Express Mail mailing label number printed thereon, and the application filing fee;
 - c. a check for the appropriate filing fee; and
 - d. a Certificate of Mailing by Express Mail also identifying the papers being mailed, the Express Mail mailing label number, and the date the paper was deposited.
3. On October 9, 2001, after assembling the application papers, at approximately 4:45 PM, I copied the entire application, including the above noted items for Applicants' file.

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4. After copying the application papers, I placed them in an Express Mail envelope and placed Express Mail label number EL 888088151 US on the envelope and sealed the envelope.
5. Shortly before 5:00 PM on the afternoon of October 9, 2001, I left the office to deposit the application papers with the US Post Office in Durham, NC. I proceeded directly to the U.S. Post Office located at W. Chapel Hill Street, Durham, NC, arriving shortly after 5:00 PM on October 9, 2001.
6. Because the Post Office had locked the doors before I arrived, I proceeded to an Express Mail drop box located adjacent to the Post Office on Rigsbee Avenue in Durham. I deposited the Express Mail envelope bearing label number EL 888088151 US in this drop box at approximately 5:15 pm on October 9, 2001.
7. The final pick-up at this particular drop box on October 9, 2001 was 5:30 PM as indicated on the identification label on the box that day. I have on several occasions deposited Express Mail in this box between 5:00 PM and 5:30 PM and in each case, the stamped Patent Office receipt date on the return post card matched the deposit date.
8. On or around October 22, 2001, my office received the stamped return postcard from the U.S. Patent Office, indicating that the patent application had been received on October 10, 2001 rather than October 9, 2001, the date I deposited the Express Mail envelope containing the application in the Express Mail box.
9. On November 2, 2001, I spoke with Mr. Winston Layton of the United States Post Service. Mr. Layton said the final time mail was picked up from the Rigsbee Avenue Express Mail drop box on October 9, 2001 was 5:11 PM.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATE: 12/6/01

By: Maggie Blackman
Maggie Blackman
Paralegal
Olive & Olive, P.A.
Durham, NC



Attorney ref: ITTD5003ECJP
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
OFFICE OF PETITIONS

In Re Application of: RUDOLPH G. BENZ ET AL.

Serial No.: 09/973,907

Filing Date: October 9, 2001

Title: INTENSIFIED HYBRID SOLID-STATE SENSOR

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Box DCA
Assistant Commissioner for Patents
Washington, D.C. 20231

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DECLARATION OF EDWARD CHARBONNEAU

1. I, Edward Charbonneau, am a patent attorney with the law firm of Olive and Olive in Durham, North Carolina. As part of my duties, I prepare patent applications to be filed with the U.S. Patent and Trademark Office for clients of the firm. I prepared the above-identified patent application Serial No. 09/973,907, and gave it to my assistant, Maggie Blackman to file by Express Mail on October 9, 2001. Based on my instructions to Ms. Blackman, and on my observation of her activities as she left to make copies of the application and prepared to mail it, I had every reason to believe and expect that the application would be, and was, filed by depositing the same with the United States Postal Service prior to the deadline for such deposits on October 9, 2001.
2. After becoming aware that the Patent Office had assigned an October 10 filing date to the application rather than the October 9, 2001 filing date to which it is entitled, I investigated the matter within the firm and confirmed that consistent with my understanding at the time, the application in question was timely deposited with the United States Post Office in an Express Mail drop box located on Rigsbee Avenue in Durham, NC, at approximately 5:15 pm on October 9, 2001, as confirmed by the Declarations being filed contemporaneously herewith.
3. On November 1, 2001, at about 7:30 PM, after learning that the application identified above received a filing date of October 10, 2001 instead of the October 9, 2001 Express Mailing date, and after learning that the Post Office had reported that the last pickup on the day in question had been at 5:11 p.m., prior to the 5:30 p.m. pickup time that Ms. Blackman and the rest of our staff understood to be in effect and that always had been followed in the past, I went to the Express Mail

drop box on Rigsbee Avenue in Durham North Carolina to confirm the final pick-up time at that drop box. At that time, on the front portion of that box, just below the insertion slot, a sticker indicated that on Monday thru Friday, the last pick-up time at that drop box was 5:30 PM. No other or different time for the last pickup was posted on the box or anywhere else in the vicinity.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATE: 12/6/2001

By: Edward V. Charbonneau

Edward Charbonneau
Patent Attorney
Olive & Olive, P.A.
Durham, NC

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Attorney ref: ITTD5003ECJP
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In Re Application of: RUDOLPH G. BENZ ET AL.

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Title: INTENSIFIED HYBRID SOLID-STATE SENSOR

Attention: Office of Petitions
Box DCA
Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF ANTHONY SANTITORO

1. I, Anthony Santitoro, am the Manager, Customer Service at the Research Triangle Park office of the United States Post Office. As part of my duties, I oversee the collection and routing of Express Mail in Durham, North Carolina.
2. On information and belief, on October 9, 2001, the last scheduled collection time identified on the Express Mail Box located on Rigsbee Avenue in Durham, North Carolina was 5:30 PM.
3. On October 9, 2001, the last time Express Mail was collected from the Rigsbee Avenue Express Mail box was 5:11 PM.

I declare under penalty of perjury under the laws of the State of North Carolina that the foregoing is true and correct.

DATE: 12-6-01

By: 

Anthony Santitoro
Manger, Customer Services
United States Post Office

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EXHIBIT 1



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Please acknowledge receipt of the:

Patent Application

Mailed by Express Mail # 888088151 on October 9, 2001

Applicant: Rudy Benz, Nils Thomas and Arlynn Smith

Title: Intensified Hybrid Solid-State Sensor

Attorney Reference No.: ITTD5003ECJP

Specification 12 pages

Claims 4 pages

Abstract 1 page

Drawings 3 pages

Declaration enclosed

Check for \$410.00

JC821 U.S. PTO

09/973907



10/10/01

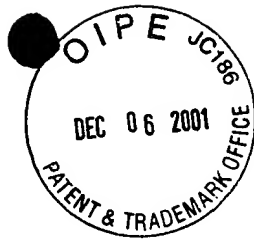
Thank you!

JC821 U.S. PTO

09/973907



10/09/01



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OCT 22 2001

OLIVE & OLIVE
Attorneys at Law



Original To: FILE
Copy To: EVG, JGP
File No: ITT 5003
Docket To: AD

Olive & Olive, P.A.
Attorneys at Law
P. O. Box 204,
Durham, N.C. 27702

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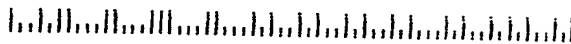


EXHIBIT 2



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/973,907	10/10/2001	2821	758	ITTD5003ECJP	8	21	3

CONFIRMATION NO. 7453

Olive & Olive, P.A.
P.O. Box 2049
Durham, NC 27702

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NOV 14 2001

OLIVE & OLIVE
Attorneys at Law

FILING RECEIPT



OC000000007052100

Date Mailed: 11/09/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Rudolph G. Benz, Daleville, VA;
Nils L. Thomas, Roanoke, VA;
Arlynn W. Smith, Blue Rdge, VA;

Original To: FILE
Copy To: EVC WB JGP AD SFD RWO
File No: ITTD 5003
Docket To: JTB HMA

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 11/09/2001

Projected Publication Date: 04/10/2003

Non-Publication Request: No

Early Publication Request: No

Title

Intensified hybrid solid-state sensor

Preliminary Class

315

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EXHIBIT 3

PATENT APPLICATION TRANSMITTAL LETTER
(Large Entity)

Docket No.
ITTD5003ECJP

DEC 06 2001

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Transmitted herewith for filing under 35 U.S.C. 111 and 37 C.F.R. 1.53 is the patent application of:

Rudy G. Benz, Nils I. Thomas, Arlynn W. Smith

For: **INTENSIFIED HYBRID SOLID-STATE SENSOR**

Enclosed are:

- ☒ Certificate of Mailing with Express Mail Mailing Label No. **888088151**
- ☒ 8 sheets of drawings.
- ☐ A certified copy of a _____ application.
- ☒ Declaration ☒ Signed. ☐ Unsigned.
- ☒ Power of Attorney
- ☐ Information Disclosure Statement
- ☐ Preliminary Amendment
- ☐ Other:

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CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	21	- 20 =	1	x \$18.00	\$18.00
Indep. Claims	3	- 3 =	0	x \$78.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$740.00
TOTAL FILING FEE					\$758.00

- ☒ A check in the amount of **\$740.00** to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **15-0490** as described below. A duplicate copy of this sheet is enclosed.
 - ☐ Charge the amount of _____ as filing fee.
 - ☐ Credit any overpayment.
 - ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
 - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: 10/09/2001

Edward V. Charbonneau
Signature

cc:

EXHIBIT 4

Please acknowledge receipt of the:

Patent Application

Mailed by Express Mail # 888088151 on October 9, 2001



Applicant: Rudy Benz, Nils Thomas and Arlynn Smith

Title: Intensified Hybrid Solid-State Sensor

Attorney Reference No.: ITTD5003ECJP

Specification 12 pages

Claims 4 pages

Abstract 1 page

Drawings 3 pages

Declaration enclosed

Check for \$410.00

Thank you!

OLIVE & OLIVE, P.A.
GENERAL ACCOUNT

Payee: ASSISTANT COMMISSIONER FOR PATENTS

15979

		CHECK			
DATE	DESCRIPTION	INVOICE #	AMOUNT	DEDUCTION	NET AMOUNT
Invoice Date	Description & Memo	Invoice No.	Matter ID	Amount	
10/9/2001	Patent Application Filing Fee - ITTD5003			740.00	

Patent Application Filing Fee - ITTD5003

CHECK DATE	CONTROL NUMBER	TOTALS ►	
10/9/2001	Entry # 10013		740.00

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Patent Application Filing Fee - ITTD5003

⑈00015979⑈ ⑆053100850⑆0700037990⑈

EXHIBIT 5

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s):

Docket No.

ITTD5003ECJP

Serial No.

Filing Dat

Examiner

Group Art Unit

Invention: **INTENSIFIED HYBRID SOLID-STATE SENSOR**I hereby certify that this **PATENT APPLICATION***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on October 9, 2001

*(Date)***Edward V. Charbonneau***(Typed or Printed Name of Person Mailing Correspondence)*

A handwritten signature in cursive script that reads "Edward V. Charbonneau".

*(Signature of Person Mailing Correspondence)***888088151***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.****RECEIVED****DEC 11 2001****OFFICE OF PETITIONS**